IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5001 OF 2005

Tukaram Dagdoba Kashid & Ors. ..Petitioners.

Vs.

The Commissioner,

Pune Municipal Corporation & anr. ..Respondents.

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Mr.A.B.Avhad for the Petitioners.

Mr.R.G.Ketkar for Respondent No.1.

Mr.P.I.Khemani, AGP for Respondent No.2.

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CORAM : F.I.REBELLO &

DR.D.Y.CHANDRACHUD, JJ.

29th September, 2005.

P.C. :

1. The Petitioners have approached this Court contending that land belonging to them had been encroached upon by Respondent No.1 without acquiring the said land. On behalf of Respondent

No.1 learned counsel on instructions makes a statement that the Petitioners had given a Power of Attorney to a builder. The builder in turn by a letter dated 12th December, 2003 gave his no objection to the Corporation for widening of the existing road to the extent of 400 sq.mtrs. In the light of that, the road was widened.

2. Considering the controversy, we direct the Commissioner, Pune Municipal Corporation to hear the Petitioners and the builder and peruse the Power of Attorney and take appropriate decision. If the Commissioner comes to the conclusion that the Power of Attorney is given to the builder, in that event the Petitioners can have no grievance, except to take other steps in accordance with law which they are entitled to. If the Commissioner comes to the conclusion that the Power of Attorney is not valid, then to take steps to acquire the land according to law. With the above directions, the Petition stands disposed of.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)